nicate to this House the names of the members so nominated by Rajya Sabha."

2. I am to request that the concurrence of Rajya Sabha in the said motion, and also the names of the members of Rajya Sabha so nominated, may be communicated to this House."

II

"I am directed to inform you that Lok Sabha, at its sitting held on Wednesday, the 30th March, 1988, adopted the following motion:—

"That this House do recommend to Rajya Sabha that Rajya Sabha do agree to nominate seven members from Rajya Sabha to associate with the Committee on Public Undertakings of the House for the term beginning on the 1st May, 1988 and ending on the 30th April, 1989 and do communicate to this House the names of the members so nominated by Rajya Sabha."

2. I am to request that the concurrence of Rajya Sabha in the said motion, and also the names of the members of Rajya Sabha so nominated, may be communicated to this House."

III

I am directed to inform you that Lok Sabha, at its sitting held on Wednesday, the 30th March, 1988, adopted the following motion:—

"That this House do recommend to Rajya Sabha that Rajya Sabha do agree to nominate ten members from Rajya Sabha to associate with the Committee on the Welfare of Scheduled Castes and Scheduled Tribes of the House for the term beginning on the 1st may, 1988 and ending on the 30th April 1989 and do communicate to this House the names of the members so nominated by Rajya Sabha."

2. I am to request that the concurrence of Rajya Sabha in the said motion, and also the names of the members of Rajya Sabha so nominated, may be communicated to this House."

[**The Vice Chairman (Shri Jagesh Desai)** in the Chair]

PAPERS LAID ON THE TABLE— *contd.*

Second Report of the Committee of Parliament appointed to report on the structure of pay etc. for the officers and staff of the Rajya Sabha and the Lok Sabha Secretariats.

SECRETARY-GENERAL: Sir, I also beg to lay on the Table a copy (in English and Hindi) of the Second Report on Amenities, Facilities, Special Allowances and other general matters, along with other connected documents of the Committee of Parliament appointed to report on the structure of pay, allowances, leave and pensionary benefits for the officers and staff of the Rajya Sabha and the Lok Sabha Secretariats. [Placed in Library. *See* No. LT-838/88].

THE ILLEGAL MIGRANTS (DETERMINATION BY TRIBUNALS) AMENDMENT BILL, 1988

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHINTAMANI PANIGRAHI): Sir, I beg to move.

"That the Bill to amend the Illegal Migrants (Datemination by Tribunals) Act, 1983 as passed by the Lok Sabha, be taken in to consideration."

[Shri Chintamani Panigrahi]

As the hon. House is aware, the illegal Migrants (Determination by Tribunals) Act, 1983 was enacted by Parliament to replace the Ordinance which was promulgated on 15th October, 1983. The Act provides for the establishment of tribunals for the determination, in a fair manner, of the question whether a person is an illegal migrant to enable the Central Government to expel illegal migrants from India and for matters connected therewith or incidental thereto. This Act is presently in force in the State of Assam.

During the talks leading to the Assam Accord, some reservations had been expressed by the representatives of the AASU/AAGSP about some of the provisions of the Act. These reservations find expression in clause 5.9 of the Assam Accord, which reads as follows:—

"The Government will give due considreation to certain difficulties expressed by the AASU/AAGSP regarding the implementation of the Illegal Migrants (Determination by Tribunals) Act, 1983".

Pursuant to the above clause the State Government of Assam had submitted a proposal suggesting a number of amendments to the Act. Experience gained in the implementation of the Act over the years had also indicated the need for bringing about some changes in order to streamline the working of the Act. A series of discussions were held with the State Government representatives at various levels to evolve changes needed to meet the objective set out in th relevant provisions of the Assam Accord keeping in view the various aspects of the problem. As a result of discussions held between the Chief Minister of Assam and the Prime Minister, an agreement had finally been evolved on all the points and accordingly it is proposed to enact the Illegal Migrants (Determinaion by Tribunals) Amendment Bill, 1987 which has been passed by the Lok Sabha. The Bill which has been finalised after detailed discussions with the State Government of Assam provides, among other things for the following. These are the major modifications/amendments that have been included:

(i) Reduction in the number of members of an Illegal Migrants (Determination) Tribunal from three to two;

(ii) relaxation of residence restriction in case of private complaints from 3 Kms. to residences within the same police station area;

(iii) reduction of minimum fee in case of private complaints from Rs. 25 to Rs. 10.

(iv) enabling any person living beyond the limits of the same police station to make an application to the Central Government for reference to a Tribunal;

(v) reduction in the minimum number of members of an Appellate Tribunal from three to two;

(vi) deletion of the existing provision relating to revision by High Court in view of the powers of the High Court under Articles 226 and 227 of the Constitution;

(vii) conferment of the powers on the Appellate Tribunal to exercise superintendence over all the Determination Tribunals in a State;

(viii) empowering a police officer not below the rank of a Superintendent of Police to bind certain persons;

(ix) providing for a minimum punishment for offences under the Act.

I would, however, like to clarify that deletion of the existing provision in the Act relating to revision by High Court is without prejudice to the powers of the High Courts under Articles 226 and 227 of the Constitution under which the High Courts have the power to entertain revision applications and issue writs and exercise superintendence over all the Courts and Tribunals throughout the territory in relation to which they exercise jurisdiction.

As regards the question of burden of proof, it has been agreed to abide by the advice of the Attorney General that no change need be made in the Act.

Through the proposed amendments, it is intended to facilitate smoother functioning of the Tribunals constituted under the Act so as to appropriately speed up the process of detection and expulsion of post-24th March, 1971 illegal migrants in Assam as envisaged in the Assam Accord. Due care has been taken in formulating these amendments, to see that the procedure under the Act is fair and just and does not become a source of undue apprehension or harassment to any group of citizens in Assam. I would like to take this opportunity to reiterate the commitment of the Government to fulfil its obligations under the Assam Accord in toto.

With these words, I commend the Illegal Migrants (Determintaion by Tribunals) Amendment Bill as passed by the Lok Sabha for the consideration of the House.

The question was proposed.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Now, the time allotted is one hour. There are nine speakers and the Ministers reply is there. So, I would request the Members to restrict their speeches to 5-7 minutes only. Now, Shri Sukomal Sen.

SHRI SUKOMAL SEN (West Bengal): How can I finish in five minutes? It is not possible. It is a very important Bill. I must require one hour at least.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): This time was allotted by the BAC.

SHRI SUKOMAL SEN: I will take one hour.

SHRI NIRMAL CHATTERJEE (West Bengal): Sir, coming and going out will take one hour.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Please be brief. You start. What can I do? I am helpless.

SHRI DIPEN GHOSH (West Bengal): When it was discussed in the BAC, at that time, I opposed that one hour cannot be allotted for this Bill. But afterwards it was decided....

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): 1-1/2 hours, can you keep it?

SHRI NIRMAL CHATTERJEE: It is a very important Bill when Opposition is divided.

SHRI DIPEN GHOSH: It is a very serious matter.

SHRI SUKOMAL SEN: Sir, at the very outset, I very strongly oppose the manner in which the Illegal Migrants (Determination by Tribunals) Amendment Bill, 1988 has been handled by the Government side. Sir, it is a very important Bill and the Government wants to play with the fate of lakhs of people who are hapless victims of the partition of the country. Now you are going to pass this Bill in one hour and after bargaining you have said 1½ hours.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Not bargaining.

SHRI SUKOMAL SEN: Anyway, I rise to strongly oppose every sentence of this Bill. I know that I may

[Shri Sukomal Sen]

have differences with many of our colleagues in Opposition particularly with my friends in AGP. I have no personal quarrel, no personal difference on the ground of principle.

Sir, when this Assam Accord was signed in August, 1985, from our party, we were very much critical about this Accord and we expressed our apprehensions about the ultimate consequences of this Accord. Now, experiences of these 2½ years have strongly vindicated our stand. If we go back to the days of partition, it is not possible to go back to the days of partition because time is so short, but I want to remind this House that when the country was partitioned, at that time there were some national commitments to the people who suffered because of this partition. Those commitments were made by no less persons like Mahatma Gandhi, Jawaharlal Nehru and Sardar Vallahbhai Patel. They guaranteed the security and safety of the people who were the victims of the partition that if you are forced to come over to this side of the subcontinent, you will be protected, you will be given shelter, you will be given food, you will be given citizenship. All these assurances were there right from Mahatma Gandhi to Jawaharlal Nehru and Sardar Vallabhbhai Patel.

Then, there was 1956 Migration Citizenship Act of Assam, in 1983 Migration Bill was there. Then, came the Assam Accord. Now, we are bringing this amendment Bill on the illegal migrants. Then, you say that this is in accordance with clause 5.9 of the Assam accord.

Sir, simply I would say that when the country was partitioned what Mahatma Gandhi said. I would like to quote simply a few sentences. He said: "My friends ask whether those who being mortally afraid or otherwise leave Pakistan will get shelter in the Indian Union. My opinion is emphatic on this point. Such refugees should get proper shelter in the Union and vice-versa."

I can go on but I stop here. Now, what Shri Jawaharlal Nehru said? He said and I quote:—

> "We think also of our brothers and sisters who have been cut off by political boundaries and who unhappily cannot share at present in the freedom that has come. They are of us and will remain of us whatever may happen, and we shall be sharers in their good and ill fortune alike."..... .....

Then, Sir, Sardar Vallabhbhai Patel said and I quote:—

> "But let not our brethren across the border feel that they are neglected or forgotten. Their welfare will claim our vigilance and we shall follow with abiding interest their future..."

Sir, all these messages were there. These were commitments made by our great national leaders and I deem them as national commitments. I do not know for this present generation of Congress men, who claim to inherit the tradition of Congress, whether they will stand by these commitments, whether they have any iota of honour for these commitments made by Mahatama Gandhi, Jawaharlal Nehru and Sardar Vllabhbhai Patel. I do not know and I am afraid that they do not stand by these commitments because, Sir, not only those leaders said it in 1950, but it was said in the Immigrants (Expulsion from Assam) Act, 1950 in clause 24. However, so far as the immigrants from Pakistan were concerned, a proviso was incorporated in Section 2 of the said Act in the following terms:—

> "Provided that nothing in this section shall apply to any person who on account of civil disturbances or the fear of disturbances in any area now forming part of Pakistan has been displaced or has

left his place or residence in such area and who has been subsequently residing in Assam.

It means due to communal violence or the civil disturbance, if they are forced to leave their homes, this section of illegal immigrants (Expulsion from Assam) Act, 1950 will not be applicable to them. Sir, these were the follow-up of the commitments that were made in 1947-48 by our national leaders. The 1950 Act contains that commitment. It stands by that commitment. But, Sir, when in 1983, when this Assam movement started, we got this Bill passed, the Illegal Immigrants Act. It was passed in 1983 under the pressure of the movement that went on in Assam. (*Interruptions*). In that background only, you brought out this Bill and got it passed and it was a gross departure from the 1950 Act. That Act was a Central Act. It was a gross departure from that Act to this Act and that is why, I am saying, it was done in the background of movement that was going on in Assam at that time.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): If you go into the whole history, then you will take much time.

SHRI SUKOMAL SEN: In that event, I can say, I oppose it, you support it. In that way, if you want to get it passed, then you can. I will conclude, I know that. (*Interruptions*).

SHRI DHARANIDHAR BASUMATARI (Assam): Sir, we also want to speak on this. We should be given time.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): You will have time to speak.

SHRI DHARANIDHAR BASUMATARI: But do not give so much time to others.

SHRI SUKOMAL SEN: Anyway, it was a gross departure from the 1950 Act. Now, Sir, in 1983 itself, there were certain amendments. What are the amendments? The amendments are mainly that reduction in the number of members of Illegal Immigration Tribunal from 3 to 2. Apparently, it may appear that it is a minor amendment. Then there is residence restriction and deduction of fee in case of private complaints. Some other amendments are there. They say that this Bill has been finalised after detailed discussions with the State Government of Assam. You are playing with the fate of lakhs of people. Have you ever discussed with the organisations of these people?

SHRI CHINTAMANI PANIGRAHI: Yes. Different organizations have come.

SHRI SUKOMAL SEN: No. Are you correct? Have all the political parties been consulted?

SHRI CHINTAMANI PANIGRAHI: I say different organizations.

SHRI SUKOMAL SEN: How many?

SHRI CHINTAMANI PANIGRAHI: All the organizations which presented their memoranda to the Government have been consulted.

SHRI SUKOMAL SEN: Many political parties who are working on an all-India level, who are suffering for this cause, are there. The Government did not care to consult them. And in the Bill, in the objects, they have said that the Assam Government has been consulted. Now, amendment is a continuous affair with this Government. Now we have in the Home Ministry Mr. Chintamani Panigrahi, Mr. Chidambaram and Mr. Buta Singh. Once upon a time, Mr. P. C. Sethi was the Home Minister. What did he say about the 1983 Act? He said that in the 1983 Act sufficient provisions had been made

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to see that the Tribunals remained impartial and neutral. I do not want to quote what all he said. I limit the quotation to this. He said the number of members in the Tribunal should be three. Why three? Then it could be assured that the Tribunal was fair and free in its judgment. He also said that there should be a particular fee. That was to see that nobody put another person into trouble. That is why a particular fee has to be paid for making a petition to the Tribunal for marking anybody as a foreigner.

There are other conditions also. There is the three kilometre distance limitation. When somebody is complaining about some other person, the complainant should reside within a distance of three kilometres from the person against whom he is making the complaint so that it is proved apparently that these persons are known to each other and the complainant has a right to complain that the other is a foreigner.

These conditions were there as a guarantee against any injustice to any migrant . These conditions were to be fulfilled. Now, this Government is waiving these conditions. This Government is going back on what Mr. P C. Sethi said on that day. The number of members in the Tribunal is sought to be reduced. The distance condition is relaxed. They say that the fee to be paid by the complainant has also to be reduced. It means you are making it very easy for any complainant to make any spurious or false complaint so that people may be put into trouble. Not only that. This Bill empowers police officers not below the rank of a Superintendent of Police to bind certain persons. What is our experience? I can cite innumerable instances when police officers below the rank of a Superintendent of Police have caught people and served a notice on them saying, "You are a foreigner. You quit the country." These people who have exhausted all the sources in Assam have been compelled to go to the Supreme Court. I am not going to read everything that is written in the writ petition here. But they have produced documents, genuine documents, before the Supreme Court that these people have been served with notices to quit Assam, to quit India. Should they go to Bangladesh? Who are those persons? Who are those persons who came over to Assam long before partition? They are living in Assam for generations and generations. They are able to produce their certificates. They are producing their matriculation certificate passed from a school in Assam. They are producing LIC polices which they had taken some 80 years ago. They can produce documents for land which they had purchased some 100 years ago. But still the SP was not satisfied and they were asked to quit. Not only that. When they went to the Tribunal, the Tribunal asked them to produce those persons who gave those certificates, who signed those certificates Suppose a person passed his matriculation some 60—70 years ago or 80 years ago. How ridiculous it is to ask him to produce the person who had signed that matriculation certifictes? The Tribunal says, all right, you have shown these certificates, but produce those persons who signed these documents. What a funny situation! This is the situation in Assam. This is something absurd. In this way not one, not ten, not hundred but hundreds and thousands of migrants, not migrants but inhabitants are there in Assam; maybe, their mother tongue may not be Assamese; it may be Bengali or some other language. For hundreds of years they are living in Assam. Now they have been served with quit notices, to quit immediately...

DR. NAGEN SAIKIA (Assam): Not a single person has been notified by

the Government of Assam, not a single example.

SHRI SUKOMAL SEN: If necessary I can produce all these documents, I can place them on the Table of the House. These are documents placed before the Supreme Court...

SHRI DHARANIDHAR BASUMATARI: He does not know anything.

SHRI SUKOMAL SEN: I know much better than you. Despite these documents being produced before the Tribunal, still the Tribunal asks them to produce those persons who had signed them. This is the situation in Assam. If you relax the conditions that were provided in 1983, if you further relax them, what will be the condition of the people there? (*Interruption*) I can give you facts and figures as to how many refugees have gone to Assam, how many refugees have gone to Bengal, what the percentage is, I can give you all these figures. I can give you the total number of refugees who have crossed the border. The lion's share is in Bengal. Only a fringe of those people have gone to Assam, Meghalaya Tripura and other places. What is the argument? I had said it earlier on I may have some differences with some of my colleagues but I have no personal quarrel. Let us consider the points from human point of view. We are dealing with human beings. We are not dealing with some objects, not with property. We are dealing with human beings, women, children, infants. Our consideration should be human consideration, not just arguments. I am not trying to score any points in argument. In the United Nations also the Declaration of Human Rights provides for guarantees for human beings. India is a signatory to that UN Charter for Human Rights. How can India then come out with a law which goes against all human rights? You cannot do it. Not only that. These people who have come over here, is it their fault?

5 P.M.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): You have already taken eighteen minutes and now you have to conclude.

SHRI SUKOMAL SEN: It is not their fault and so, these people are suffering. Not only that. I would make another point now. Thousands of people who are residing in Assam have aleardy been evicted from their hearths and homes. Sir, article 21 of the Constitution guarantees right to life and it says that every person has a right to his life. This is contained in article 21 of the Constitution. But if he is deprived of his livelihood, how is his life guaranteed? It means that article 21, by guaranteeing right to life, also guarantees livelihood of a person. If a person is evicted from his hearth and home in any place in the Indian Union, it means then that article 21 is also violated and that this man is deprived of his right to live. It also means that human rights are being flagrantly violated there. Now, if this Bill is passed, these people who are being made the target in Assam, will face a further worse situation and the Government will be playing with their fate. It is not the fate of one person or a dozen persons, but the fate of thousands of persons, the fate of lakhs of people... (*Time Bell rings*)... You are asking me to sit down. I will conclude now.

Sir, this Bill should be withdrawn and this Bill should not be passed. On human consideration, this Bill should not be passed and it should be withdrawn. Thousands of petitions are coming and hundreds of telegrams are coming to us. Thousands of letters have come to us stating what their plight is, what plight they are facing there. So, I would appeal to the Government not to get this Bill passed and this Bill should be withdrawn on human consideration. Sir, whatever

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predictions we made, whatever apprehensions we had, when the Assam accord wa signed, have come true now and the Government should not surrender to the forces which go against national unity, which go against national integration. Already this Government is surrendering to Communal forces somewhere, to religious forces somewhere else and to the fundamentalist forces in some other place. The government, instead of being a Government for national integration, has become alerady a Government for national disintegration. You are disintegrating the country by surrendering yourself to these forces for the sake of convenience, for the sake of electoral advantages, by surrendering to the divisive forces and pressures which do not guarantee the unity of the country, but which bring about the disintegration of the country. So, instead of further contributing to the disintegration of the country, the Government should withdraw this Bill and see to the interests of the hundreds of thousands of people, who are the hapless victims of the partition of the country, so that they can live in peace and dignity. The Government should see to this and should not try to put them into further trouble.

Sir, I strongly oppose this Bill, every sentence of this Bill. I oppose this Bill lock, stock and barrel and I appeal to the Government to withdraw it. Thank you, Sir.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Now, Mr. Kamalendu Bhattacharjee.

SHRI KAMALENDU BHATTACHARJEE (Assam): Mr. Vice-Chairman, Sir, this Illegal Migrants (Determination by Tribunals) Amendment Bill, 1988, has already created confusion, apprehension and suspicion in the minds of the religious as well as, the linguistic minorities, lakhs of them, living in the State of Assam.

Sir, it was some time in 1987 that the three District Congress (I) Committees of Silchar, Hailakandi and Karimganj submitted a representation to the honourable Prime Minister of India, Shri Rajiv Gandhi, and along with that, we also submitted the opinion of the legal luminaries of India, pressing our demand that the Government, the Central Government, should not accede to the AGP Government's persistent demand for changing the clause pertaining to the onus or burden of proof with respect to the fact whether a person is a genuine Indian citizen or not. I am thankful to the Prime Minister and the Home Minister because they have been wise enough to see through the game and their persistent demand for changing the clause pertaining to the onus of proof, burden of proof, which the AGP Government has been making, has not been conceded. The AGP Government has been persistently demanding that the clause should be amended and the burden of proof or the onus of proof must be on the respondent and not on the complainant. This has not been acceded to and I am thankful to our honourable Prime Minister and the Home Minister. Sir, the Home Minister, Mr. Panigrahi, is here. I want to know categorically from him: is it the last piece of legislation? They call them the boy Ministers of Assam. Will they try once again and go with more 'rasgullas' to them? I want a categorical assurance from him. Is this the last piece of legislation or they will contemplate to go in for further amendment of the Constitution in the name of preservation of the cultural heritage and language of Assam? I am an Assamese but a Bengali-speaking Assamese. I have great respect for the cultural heritage and language of Assam. But, Sir, if every time these boys cry for 'rasgullas' and you come up with one piece of legislation today and tomorrow another piece of legislation and go on harassing the minorities, linguistic and religious, in Assam, I want to know, what is the end of it? The Home Minister is here. I want an as-

surance from him that this will be the last piece of legislation and after that there will be no more legislation pertaining to this.

Respected Vice-Chairman, once a complaint is lodged against a person and he is alleged to be a foreigner, what will be the fate of that man? I am speaking from my experience. Last time thousands and lakhs of complaints were filed against so many genuine citizens of India and their names were deleted from the voters' list—about 11 lakhs of them—for the last election. If the same process is repeated—in 1989 we are going to hold the election—I want a categorical assurance from the Home Minister. He is present here. He must give a categorical assurance to the religious and linguistic minorities of Assam that even if there is a complaint against a genuine citizen, it is not a *prima facie* proof that he is a foreigner. On that account I want that once a complaint is lodged, it will not be taken for granted that he is an outsider, he is a foreigner, but he will be given due scope, due opportunity, to prove that he is a genuine citizen and in the meantime his name will never be deleted from the voters' list. Last time it happened. If the same process is repeated, I would like to warn with the famous saying that those who do not learn from history are condemned to repeat it. If the same thing happens again, I would like to tell you through this august House that the linguistic and religious minorites of Assam are not going to take it lying down and they will fight to finish.

DR. NAGEN SAIKIA: The Government is not against the linguistic or religious minorities. Are you for keeping foreigners in your State?

SHRI KAMALENDU BHATTACHARJEE: I am coming to that point. Now, already, thousands of people belonging to religious minorities have been evicted from Lakhimpur, from Kamrup and other places. My main point is that the basic malady is not the Assam accord. The accord is being implemented in a discriminatory manner. This is the crux of the problem. From the districts of Cachar and Karimganj they are not going to appoint any person. If the persons who are at the helm of authority, are as good as Mrs. Bijoy Chakravarty or Mr. Nagen Saikia, I would have praised them. But they are not. If the implementing officers are as Mr. Nagen Saikia professes or Mrs. Bijoya Chakravarty professes or respected Dinesh professes, I would have saluted them a hundred and one times. But, Sir, the officers who are in the field, who are the implementing officers are creating all this havoc. Sir, they have indulged in the numbers game. You know in the NREP and RLEGP a target has got to be reached. They have fixed the target of some officers. They are asked to find out 20 or 30 foreigners. This is a number game. The minorities are being harassed. When the A.G.P. came to power, they said that it would be a regional party with a national outlook. But what is their national outlook? In Assam, 400 persons were appointed in police service and not a single one is from the minority community. What is this? There is a 15-point National Integration programme. The interest of minorities has got to be considered. But that was not considered. I appreciate the Chief Minister of Assam when he has gone on record saying that he would not tolerate if a single genuine Indian citizen is harassed. I appreciate this statement. But what is happening in the field? We have the field experience where your Police officers are harassing people. You must bring them to book. The Chief Minister wants that not a single genuine Indian citizen should be harassed. But the police officers are harassing them. I do not know Sir, the situation has reach-

[Shri Kamalendu Bhattacharjee]

ed a very dangerous stage. I have received hundreds of trunk calls yesterday. They call it 'Intentional Minority Demolition by Torture Act' i.e. IMDTA. I am reminded of a famous poem of Wordsworth. It reads like this:

> If this belief from heaven be sent
> If such be nature's holy plan,
> Have I no reason to lament
> What man has made of man.

Sir, the Assam Accord was signed with the best of intentions. I must hail our hon. Prime Minister, Shri Rajiv Gandhi, for this Accord. But the implementation part is not there. The administrative machinery which was there to implement the Assam Accord acted in a very blatantly partisan and biased manner. That is why minorities are being harassed. I want a categorical assurance from the hon. Home Minister who is present here that these clauses will become effective. Later on, they cannot afford to say that this is a State matter and we have nothing to do. The Central Government cannot remain a passive spectator. This question pertains to the citizenship of India. It is a very important question. Whether a person is a genuine citizen of India or not is a very important question. The Central Government should not be a silent spectator. I also subscribe to the view that there is no place for foreigners in India. Let hundreds of foreigners be driven out. But a genuine Indian citizen should not be harassed. (*Time bell rings*) Previously the tribunal had 3 members. Now the number has been reduced to two. It has created a lot of misapprehension in the minds of the minorities. It was stipulated in the Assam Accord that the people whose names were there in the Voters' List of 1966 will be Indian citizens. Only the 1971 people will be deleted from the Voters' List and not the people who came before 1971. All of them will be accommodated as Indian citizens. Those who came after 1971 will be deported. Sir, I want to bring two specific cases to the notice of the hon. Minister. Shri Ajit Kumar Paul came from Nagaland and was in Assam from 1970 to 1979. He was a genuine Indian citizen. He has been deported. Mrs. Rarhemunnasa Raha wife of Abdullah was also a genuine Indian citizen. Her name appears in the Voters' List of 1959. She was thrown out from India. There are the specific cases which I want to bring to his notice. There was the partition of India. They had no part in it. They did not do it. There was a partition. I am also a refugee. (*Interruptions*)

AN HON. MEMBER: You are an MP also.

SHRI KAMALENDU BHATTACHARJEE: That is very much there.

Sir, some positive approach, some pragmatic approach has got to be taken in this regard. Sir, under Section 20(2) power has been given to a police officer not below the rank of SP. If a complaint is lodged against a person, the police officer is given the power to take a bond from the alleged illegal migrant. If he does not execute the bond, the police officer has the power to arrest him. There will be definitely an arbitrary and repressive use of this power. So, I request that this clause should be deleted. As per Section 8A, a person may have to face two litigations simultaneously because there is the clause of referring a case to the Centre. Sometimes the AGP people say that only a notice has been served. But it is a question of sentiment. I am a genuine Indian citizen. Why should a notice be served on me and there should be an allegation against me after living in Assam for 50 years or 100 years or 200 years? (*Interruptions*)

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Mrs. Bijoya Chakravarty, please sit down.

SHRIMATI BIJOYA CHAKRAVARTY (Assam): He must know how to differentiate between a notice and an inquiry slip....

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Please sit down.

SHRI KAMALENDU BHATTACHARJEE: So, it is a question of sentiment. My sentiment as a law-abiding citizen of India, my sentiment as a true citizen of India is genuinely hurt. That is the main problem. It is a question of life and death. (*Time bell rings*) Please give me two more minutes.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Only one minute.

SHRI KAMALENDU BHATTACHARJEE: The Home Minister is here. I want to know from him one thing: When the case is finally disposed of by the Tribunal, what is the avenue of appeal? What is the procedure? There should not be any vagueness in this matter. He must give a categorical assurance that the linguistic and religious minorities of Assam will get their fair deal.

Sir, there is one more thing. The all-India census report should be taken into consideration, and it must be seen as to what is the all-India percentage of growth and it must be taken into consideration as to what should be the growth rate in Assam. And with that in view, the whole situation has got to be looked into.

Sir, with one more point I am sitting. 10th April has been fixed as the date of conclave between by hon. CPI(M) members and the AGPR Government in Guwahati. The CPM have been opposing the Bill. In Assam Movement many CPI (M) members—my hats off to them—have lost their lives fighting for the cause of national integration. I place my appreciation on record for this But, Sir, I am just really astonished to understand one thing. Now I find that there is some truth in the saying that politics really makes strange bad fellows because they are opposing them but on the 10th, they are meeting each other. I hope, Mr. Jyoti Basu will take it up with the Chief Minister of Assam and try to mitigate the grievances of the religious and linguistic minorities of Assam.

Thank you, Sir.

SHRI DIPEN GHOSH: I am widening my bed. You can share with me. (*Interruptions*)

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Shri Upendra.

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): Mr. Vice-Chairman, Sir, this Bill deals with a very delicate problem. As Mr. Sukomal Sen said, no doubt, there is a human element in this. But more than that, there is this fundamental question whether this country can be a *Dharmasala* for all types of people to come here unendingly and take refuge here and whether we have to take certain steps at a certain time to put a restriction on this. That is the fundamental question, I know very much that the economy of West Bengal has been shattered after the post-partition exodus. Even today, millions of people are there who have come from there and they are suffering. I know what burden West Bengal has borne. West Bengal is comparatively a bigger State. Even then, it has been reeling under this pressure. We have tried to rehabilitate them in Dandakaranya and other places. We failed But, can a small State like Assam bear this burden for long? It is not only a question of old people, old refugees or old illegal migrants, but it is also a question of continuing influx over the years. I am reminded of certain figures. Between 1951 and 1961..... the population of East Pakistan had gone down by more than 10 lakhs, whereas the population of Assam, West Bengal and Tripura during the same period went up by 10.33 lakhs. The problem is only about illegal immigrants after 1971. We are not going to disturb the pre-1971 people.

[Shri Parvathaneni Upendra]

That is the wrong conception that old people who have been settled in Assam before 1971, born there, all these people will be disturbed. That is not the question here. That is an unnecessary apprehension. The question is about post-71 migrants. Even there, between 1971 and 1981, ten year period, according to the latest census, whereas the all-India average of population rise was 21 per cent, in Assam the population rise was 34.95 per cent. I do not think my friends in Assam have such high productivity to increase the population to such an extent over and above the all-India average. I would have complimented them if that were the case. But these figures themselves show that the exodus continued, the exodus of illegal migrants. The Bill itself says illegal migrants. It is not the question of legal Assamese citizens of any religion or language. That is being forgotten. Therefore I should first want to clarify that point.

The second thing is that on this issue there was a six year agitation in that State, participated by all sections of the people. They made great sacrifices and ultimately this government saw the reason and on August 15, 1985, they entered into an accord which was welcomed by all parties, except one or two, and most of us welcomed it. It is a good accord and it was also stated that enough safeguards should be there for those people, genuine citizens, who should not be harassed. But even after that they could not implement the provisions of the accord, particularly clause 5.9 because of so many difficulties there. And the main difficulty there is that in the rest of the country the Government machinery itself will detect the foreigners, they will take action, evict them as illegal migrants and throw them out or whatever action they take, but in Assam the onus is on the citizens there to detect the foreigners, prove them to be foreigners and help the Government to deport them. Why this discrimination in the case of Assam? That is the fundamental weakness in the Bill. In 1983, and subsequently, there has been so much of a demand for amendment of this Bill. In 1985 itself the AASU gave a model draft amendment and after the AGP government came to power on 10th March 1986, more than 2 years ago, they gave the amendment and they have been pressing that this amendment should be carried out because there are so many practical difficulties and unless this Act is amended, we cannot detect any foreigners. I will read only two or three difficulties which they have mentioned, particularly in regard to section 8.2, the proviso itself. There the difficulty is that the complainant should be within the three kilometres range and the thing is that an applicant living within three kilometres of such foreigners will be subject to intimidation and attack by such foreigners through kith and sympathisers. This is the first difficulty. The second is that there are several areas in Assam where no Indian citizen is resident within three kilometres of that area, particularly the riverine area bordering Bangladesh and there an alien can easily conceal this fact or escape by shifting outside the three kilometres temporarily and hiding there. Therefore they wanted the proviso to be amended and the Government of India has taken two years and there is a lot of pressure also. Even so many other things which the Government of Assam wanted, they have not been given fully. Even the number of registration officers which they wanted has not been sanctioned so far, many more have to be sanctioned yet. And the objection also I cannot understand because this is only an amendment to the earlier Act of 1983. Only certain provisions are being amended. Not all the demands of the Assam Government have been met. Assam Government wanted so many other amendments, including the point which Mr. Kamalendu Bhattacharjee mentioned, that is, about the onus of proof. That still

lies with the genuine citizens; it has not been left with the respondents. Therefore, all these things have not been accepted; only some of them have been accepted, and those that have been accepted, are of a very minor nature.

Now, whatever has been happening in case of detection, they say that so many people have been harassed, etc. I have got with me some latest figures. In case of post-1971 entrants, number of enquiries initiated is 61,281; number of enquiries completed is 38,540; number of enquiries referred to the screening committee is 38,540; number of cases referred to the tribunals is 6,922; number of cases disposed off by the tribunals is 456; number of persons declared illegal immigrants is 677; number of persons served with expulsion order is 213; and number of persons expelled is 103. This is what has happened in two years. The number of persons expelled is just 103 Why all this furore as if millions of them are being disturbed; as if millions of linguistic minority and religious minority people are being uprooted? All this is unnecessary misconception, misapprehension and fear. We have to uphold the right of the State of Assam and the people of Assam to expel those who have no right to live there. It is not that we are supporting any action of Assam Government if any genuine citizen is touched. No. This is one country which is indivisible, and tomorrow if some such incident takes place, as Mr. Kamalendu Bhattacharjee said, I will be the first person to protest and speak to the Chief Minister on that point that such things should not happen. In fact, I did have a talk with Mr. Mohunta more than once on this point... (*Interruptions*). In the transition period, apprehensions will be there because of the fear. But we have to explain to the people that genuine citizens will not be affected and that this only relates to post-1971 period. It is because unnecessary fears are being entertained. I will read out a paragraph. "In addition to the personal assurances which I got from the Chief Minister, I discussed it several time and told him that unless you get, and the AGP gets, the full confidence and support of all the religious and linguistic minorities in the State, your party will not be strong. Therefore, it is in your own interest to get their confidence and remove any appresions." And he agreed with me. There is a booklet given by Assam Government, and I will read one paragraph of Chief Minister's statement and conclude. "For quite some time now, I have been perturbed to find persistent misleading propaganda on the implementation of Assam accord and in particular, detection and deportation of foreigners, being circulated by certain vested interests. I have, from time to time, clarified the stand of the Government and clearly stated that while all efforts should be made to implement Assam accord and detect and deport the foreigners, all efforts will also be made to ensure that no genuine Indian citizen is harassed in the process. I have also appealed to Indian citizens, irrespective of caste, community and religion, to help the Government in this process so that the foreigners who pose a threat to the country, can be detected and deported. In spite of such assurances, propaganda continues mainly masterminded by self-seeking small party leaders who want to exploit innocent people for their personal political gains."

And after that also, on May 28, he gave a statement, and again on July 16, he gave a statement, and several times these assurances were given. The Chief Minister repeatedly said that he is prepared to give identity cards for earlier citizens and also computerise the whole process of citizens' list, so that there is no harassment of genuine Indian citizens. But in spite of that, these apprehensions are entertained.

I will conclude by saying that in addition to this, the problem of border roads construction and fencing of the Bangla Desh border has also to be attended to While, of

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the one hand, you have a ploblem in regard to those who have already come to the country, on the other-hand the influx is still continuing. In one yaer, they pushed out 3,300 people from there. This is continuing. Unless we secure the border, it will not stop.

Then, Sir, there are other clauses in the Assam Accord. Clause 6 relating to cultural development; clause 7 relating to the setting up of national institutions in Assam; clause 14 in regard to withdrawing the punishment against Central Goverenmet employees who participatea in the agitation; setting up of an oil refinery; setting up of an IIT etc. These are all very small matters which can easily be implemented. Of course, some progress has been made in relation to location of sites. But these things should be expedited so that the accord is fully implemented.

Once again, I would appeal to our friends who are opposing the Bill not to have any misapprehensions. We should all help in creating confidence among the genuine citizens there so that all of them together can tackle the foreigners problem. I wholeheartedly support this Bill.

डा० बापू कालदाते (महाराष्ट्र) : उपसभाध्यक्ष महोदय, अवैध प्रवासी के संदभ में जो विधेयक यहां लाया गया है इसके बारे में अपनी राय कहने के पहले मैं इस बात को स्पष्ट कर देना चाहता हूं कि जनता पार्टी ने आसाम आन्दोलन का समर्थन किया है और जनता पार्टी आसाम आन्दोलन के सभी चरणो में उनके साथ रही है और स्वयं मैं यह आसाम आंदोलन की सारी प्रक्रिया जब चल रही थी तब 10 दिन लगातार मेरे दल के सभापति, श्रीमन, चन्द्र शेखर जी के साथ आसाम के एक कोने से दूसरे कोने तक मैं घूमा हूं । आसाम के लोगों की भावनाओं को यह मैं नहीं कह सकता हूं कि मैं अच्छी तरह से जानता हूं, लेकिन यह जरूर कह सकता हूं कि मैं भी कुछ जानता हूं, इसके लिए हम उस समय यह मानते आए हैं कि जो विकास की प्रक्रिया में अवरुद्धता आई है उसके जो भी कारण हैं उसमें एक सब से बड़ा कारण हम लोगों को यह लगता था था कि There was an identity crisis. प्रतिमा की, अस्मिता का एक बड़ा क्राइसिस उस राज में आया था और जो उन लोगों के मन में धारणा थी इसके कारण वहां एक शोषण की प्रक्रिया चल रही है, वहां संस्कृति की और वहां विकास की प्रक्रिया गतिरुद्ध हो गई है, इस भावना के साथ जुड़ा हुआ आन्दोलन था । हम स्वयं जनता पार्टी यह मानते आए हैं कि यह देश सारे मजहबों का है, सारी संस्कृतियों का एक मिलाजुला देश है । अब जैसा कि हम बार-बार कहते आए है कि यह एक बगीचा है, जहां अलग-अलग रंग के फूल होंगे, गंध होगी, लेकिन एक सौंदर्य भी होगा और यह सौंदर्य बिगड़ गया है, यह भावना जब पैदा हो गई तब यह सौंदर्य लाने के लिये जो प्रयास करना चाहिए उस दिशा में हम लोगों को लगता था कि इस आन्दोलन को ठीक ढंग से देखा जाए, सब लोगों को मिलाया जाए और आन्दोलन के बाद एक नया आसाम बनाने का प्रयास किया जाए। बहुत दिन लगे, काफी नौजवानों ने अपनी हिम्मत दिखाई, काफी बलिदान किए लेकिन मैं आम तौर पर अगर यह कहूं कि आसाम का आन्दोलन आम तौर पर शांतिमय रहा, बहुत कम घटनाएं मुझे याद हैं कि जब आसाम में हिंसा की घटनाएं हुई, लेकिन आम तौर पर आन्दोलन शांतिमय रहा । इस विधेयक के संदर्भ में बात करते हुए जरूर हमारे जो मित्रों की सरकार वहां चल रही है उनसे मैं आगाह करना चाहता हूं कि जिस भावना के जरिए आपने आसाम को बदलने की प्रक्रिया शुरू की है इसमें यह मत भूलिएगा कि आपके और हमारे सब राज्यों में अलग भाषाओं के और अलग संस्कृति की परंपरा वाले लोग रहते हैं और उन्हे आपकी तरफ से विश्वास मिलना चाहिए, हमारी तरफ से नहीं, न पार्लियामेंट की तरफ से बल्कि सरकार की नीति

ऐसी रहनी चाहिए कि जिससे लोगों के दिल में बगैर कहे विश्वास पैदा हो जाए। इस अवैध प्रवासी के बारे में तो कोई किसी की यह राय नहीं हो सकती है सदन में बैठे हुए कोई अवैध या इल्लीगल इमीग्रेन्ट्स हों या विदेशी नागरिक हो हमारे देश में इतने घुस जाएं कि कुछ दिनों में उनकी संख्या हमको निकालने की हो जाए। यह तो कोई नहीं मानता, न हम मानते हैं। हम चाहते हैं कि जो अवैध प्रवासी है उनको यहां से निकालना आवश्यक है, इस बात को मानते हुए हमें इस बात पर भी जोर देना चाहिए कि जो वैध है उनको कोई तकलीफ नहीं होनी चाहिए। हमको जो शंकाएं हैं इस विधेयक में वह यह लग रहा है कि शायद वैध लोगों को ज्यादा तकलीफ हो जाए? इस शंका को दुरुस्त करना सिर्फ केन्द्रीय सरकार का काम नहीं बल्कि राज्य सरकार का भी काम है, ऐसा मैं मानता हूं। अगर यह प्रादेशिक शोवेनिज्म बढ़ती जाएगी तो जो शिव-सेना के माध्यम से हम बंबई में देखते हैं, उसकी दूसरी नकल हम असम में नहीं चाहते। जो भी कुछ खबरें हमारे पास आती हैं जिससे हम लोगों को दुख होता है, जिस आंदोलन के साथ हम रह रहे हैं, जिस आंदोलन को बढ़ावा देने के लिए जो भी हमारी शक्ति हो, उस शक्ति से हम जुटे हैं। हम आपसे यह अपेक्षा रखते हैं सरकार से, असम से कि इस देश में किसी भी हालत में शोवेनिज्म रीजनल शोवेनिज्म को बढ़ावा नहीं मिलना चाहिए। इसके लिए ज्यादा समझ और उदारता की आवश्यकता है। मैं कल-परसों भी पंजाब के संबंध में बोलते हुए बोला था कि इस देश में उदारता और समझदारी के अलावा दूसरा कोई रास्ता नहीं है देश के प्रश्नों का हल करने का और मुझे ऐसा लगता है कि जिन दिक्कतों के कारण आप जो अमेण्डमेंट लाए हैं इसमें दिक्कत हैं यह मुझे ठीक ढंग से नजर नहीं आई हैं कि क्या दिक्कतें हैं। इसमें भी दो-तीन बातें हैं, जिनके बारे में मेरी शंकाएं है, जो मैं जरूर व्यक्त करना चाहता हूं क्योंकि मेरा समाधान नहीं हो रहा है।

इसमें से एक बात यह है, मुझे यह समझ में नहीं आता कि आपने तीन लोगों के बजाय दो लोगों की नियुक्ति का कारण क्या दिखाया। आप कहते हैं कि बाहर से लोग मिलते नहीं हैं। लेकिन इससे आगे चलकर दिक्कत पैदा हो जाएगी, आप समझ लीजिए कि अगर दोनों का अंतर हो गया तो यह हरेसमेंट की प्रक्रिया, दिक्कतों की प्रक्रिया हल करने के बजाय... (व्यवधान)...

श्री अटल विहारी वाजपेयी : (मध्य प्रदेश) : इसलिए एक होना चाहिए तो अच्छा है।

डा० बापू कालिदास : तीन रहने चाहिएं। मैं तो तीन के पक्ष में हूं क्योंकि अगर तीन हो जाते हैं तो या तो मेजोरिटी से फैसला हो जाएगा या फिर तीनों की एक राय से हो जाएगा। लेकिन क्योंकि बाहर का आदमी लाया जाता है, जहां तक हमको थोड़ी बहुत जानकारी है, बाहर के आदमी को वहां दिक्कतें हो जाती हैं। तो यह मेरी समझ में नहीं आया कि दो पर आप क्यों गए हैं?

दूसरी बात, मैं यह चाहता हूं, क्योंकि जैसा उपेन्द्र जी ने कहा और सच ही कहा कि सारा दो साल का प्रयास करने के बाद 200 से ज्यादा लोग नहीं निकले..... (व्यवधान)...

श्री पी० उपेन्द्र : 103 लोग।

डा० बापू कालिदास : हां, 103, तो इसका मतलब यह है, मैं तो इस राय का हूं कि अगर मेरी जानकारी सही है तो सन् 1971 के बाद असम में सेंसस नहीं हुई है और जब तक सेंसस ही नहीं होती तब तक क्वेंटम का पता नहीं लगेगा। यह कैसे लगेगा, आप ही बताइए। यह कट आफ डेट हो गया है। तो 71 के बाद राज्य की संख्या कितनी हो गई है यह सेंसस के जरिए ही पता लगेगा जैसा उपेन्द्र जी ने कहा कि इतने परसेंट पापुलेशन बढ़ गई, ऐसा लगा क्योंकि आपने कट आफ कर रखा है 1971 से 1981 तक जो पापुलेशन बढ़ी है वह नार्मल है या एबनोर्मल है, इसका पता कैसे लगे। बार-बार यह कहा गया और सरकार कहती आई है कि वहां आज व्यवस्था नहीं

[डा० वा० कालदाते]

है, जिसके कारण सेंसस नहीं हो रहा । मेरी आपसे पहली प्रार्थना यह है कि आप सेंसस कराएं, जिससे लोगों को अंदाज करने में सहूलियत हो सकेगी । जब तक सही अंदाज नहीं होता है, तब तक दोनों तरफ से यह कहा जाएगा, जो विपरीत होगा । एक तरफ से तो यह कहा जाएगा कि लाखों लोग वहां पर हैं और दूसरी तरफ कहा जाएगा कि कुछ भी नहीं है । लेकिन इन लाखों लोगों के लिए या कुछ लोगों के लिए कोई बुनियादी बात नहीं हो रही है, जिसके कारण एक तकलीफ आ रही है ।

अब दो ही विषय पर कहूंगा । एक तो मैं धारा 8-ए के सख्त खिलाफ हूं, बात बिल्कुल साफ होनी चाहिए । दूसरे किसी भी पुलिस अधिकारी को यह अधिकार नहीं देना चाहता कि अगर कुछ हो तो सब-इंसपेक्टर हो या पुलिस सुप्रिंटेंडेंट हो या जो कोई भी हो उसको अधिकार दे दें कि उसको पकड़ कर कुछ दिन के लिए रखे । यह अधिकार पुलिस को देने के मैं पक्ष में नहीं हूं । पुलिस कानून के जरिए कोर्ट में जाये ट्रिब्यूनल में जाये जहां चाहे जाए लेकिन I will never be for any arbitrary powers with the police.

एक पाइंट और कहूं कि मैं इस राय का हूं कि यह पुलिस स्टेशन वाला मामला, पहले क्योंकि आपने यह दावा किया था कि पुलिस स्टेशन के अंतर्गत जो लोग आते हैं अब आपने 3 किलोमीटर तक बढ़ा दिया है अब आपने तीन किलोमीटर बढ़ा दिया । मेरे सामने एक दिक्कत है । समझ लीजिए मैं एक गांव में रहता हूं । काम के लिए एक गांव से दूसरे गांव गया हूं । मेरे गांव में तो मुझे जानने वाले बहुत लोग हैं । लेकिन दूसरे गांव के लोग मुझे जानते नहीं हैं । इसके लिए यदि वह कहें कि पुलिस स्टेशन के तीन किलोमीटर नेबरहुड में कोई-न-कोई जानते हों तो हो सकता है इस फासले पर लोग न जानते हों । इसमें मुझे अन्याय होने की आशंका लगती है । मैं यह नहीं कहता कि जानबूझकर लेकिन अनजाने में भी अन्याय की संभावना लगती है । मैं जानना चाहता हूं कि आप इसे बढ़ाकर तीन किलोमीटर क्यों ले गए हैं ? इसके बारे में मुझे कुछ अंदाज नहीं लगता है । मेरी सरकार से और आसाम के मित्रों से यही प्रार्थना है कि हम बड़ी हमदर्दी के साथ इसके साथ रहे हैं । आप इस बात को मत भूलिए कि अगर हम सब लोग इकट्ठा जाना चाहते हैं तो जैसे ये दूसरे लोग हैं, जिनकी कि हमदर्दी आपके साथ रही है उनके मन में जो कुछ भी थोड़ी-बहुत शंकाएं आ रही हैं, इन शंकाओं का निराकरण करना सरकार का काम है । क्योंकि थोड़ा-बहुत तो आसाम को हम भी जानते हैं । हम यह समझ रहे हैं कि आज यह सरकार एक दबाव से चलती है और आसाम के दबाव की कोशिश करेंगे और अगर "आसु" और "ए.जी.पी. दोनों की शक्तियां एक जैसी रहेंगी और वह माइनोरिटीज के ऊपर असर करेंगी तो मैं यह समझता हूं कि आज जो एक नया वातावरण एक अमन, एक नए आसाम का चित्र हमारे सामने आ रहा है वह बिगड़ जाएगा । न केवल आसाम का चित्र बिगड़ जाएगा बल्कि देश का चित्र बिगाड़ने में भी वह मदद करेगा । ऐसा न हो यह मैं माननीय मंत्रीजी से अपने आसाम के मित्रों से प्रार्थना करता हूं । धन्यवाद ।

श्री अटल बिहारी वाजपेयी : महोदय, मैं इस विधेयक का समर्थन करने के लिए खड़ा हुआ हूं । महोदय, यह विधेयक देर से लाया गया है मगर जल्दी में पास हो रहा है । असम समझौते के तुरंत बाद 1983 के कानून में संशोधन करने की आवश्यकता थी । इस आशय की मांग असम की सरकार की ओर से की गई थी लेकिन उस पर ध्यान नहीं दिया गया । अब विधेयक लाया गया है । अगर समय होता तो मैं इसमें कुछ और संशोधन देता । सचमुच में 1983 का विधेयक आसाम समस्या के साथ न्याय नहीं करता । क्या कोई इस बात से इंकार कर सकता है कि आसाम में बड़े पैमाने पर पहले पाकिस्तान से और बाद में बंगलादेश से लोग आए इन लोगों को दो श्रेणियों में बांटा जा

सकता है एक वे लोग हैं जो योजनापूर्वक आ रहे हैं जो आसाम की जनसंख्या बढ़ाना चाहते है, जो आसाम के स्वरूप को परिवर्तित करना चाहते है। वे इस लिए नहीं आ रहे हैं कि उनके साथ बंगलादेश में उत्पीड़न हो रहा है। उनमें से बहुत से मजबूरी से भी आ रहे हैं, रोजी रोटी की तलाश में आ रहे हैं। लेकिन अगर बड़ी संख्या में सीमा पार कर के दूसरे देश के नागरिक आएंगे तो केवल आसाम के लिए नहीं, वह सारे देश के लिए एक समस्या पैदा करेंगे। दूसरे ऐसे भी लोग आए हैं जिन्हें बोनाफाइड रिफ्यूजीज कहा जा सकता है। अभी पश्चिम बंगाल के हमारे मित्र विभाजन के समय राष्ट्रीय नेताओं द्वारा दिए गए आश्वासनों का उल्लेख कर रहे थे। वे आश्वासन अपनी जगह हैं। उन आश्वासनों का पालन होना चाहिए और हमने आसाम के आंदोलन के दिनों में यह बात आसाम में कही थी कि इनफिल्ट्रेटेड और बोनाफाईड रिफ्यूजीज में फर्क किया जाना चाहिए। लेकिन कानून के हिसाब से अगर बोनाफाइड रिफ्यूजीज भी है तो वह जब तक भारत के नागरिक नहीं बनते तब तक वे विदेशी रहेंगे और आसाम के मित्रों की शिकायत यह है कि अगर बंगलादेश से रिफ्यूजीज आ रहे हैं तो उनको बसाने की, उनको आजीविका का साधन उपलब्ध कराने का दायित्व सारे देश का होना चाहिए केवल आसाम की नहीं। इस मामले में हमने आसाम के साथ न्याय नहीं किया और इसलिए आसाम में एक आंदोलन खड़ा हुआ। आंदोलन एक प्रतिक्रिया थी। असम के कुछ राजनीतिक नेताओं ने जानबूझकर इस आंदोलन को बढ़ावा दिया। यह समय नहीं है कि मैं उस में विस्तार के साथ जाऊं। लेकिन उस समय असम खतरे में पड़ गया था, असम की पहचान खतरे में पड़ गयी थी, असम के सीमावर्ती जिलों की आबादी का स्वरूप बदलने लगा था। अभी भी असम में ऐसे-ऐसे क्षेत्र हैं जहां बंगला देश से आये हुए लोग बड़ी संख्या में बसे हुए हैं और आंदोलन के दिनों में ऐसे क्षेत्रों में मैं गया था। वह अपने को पाकिस्तान का हिस्सा कहते थे। कोई अपनी सीमाओं के भीतर इस तरह की स्थिति कैसे बर्दाश्त कर सकता है? श्री उपेन्द्र जी कह रहे थे कि हम ने भारत को धर्मशाला बना दिया है। यह तो धर्मशाला से भी बुरी हालत में है। धर्मशाला में तीन दिन से ज्यादा नहीं रह सकते। तीन दिन बाद उस को धर्मशाला खाली करना पड़ता है। इस भारत के तो हम ने दरवाजे खोल दिए हैं। मैं भाषण कर रहा हूं और बंगला देश से चोरी छिपे लोग भी आ रहे हैं। अभी भी आ रहे हैं। पश्चिम बंगाल से हो कर आ रहे हैं। सीमाबंदी नहीं हुई है। सड़क नहीं बनी है। कांटेदार तार नहीं लगे हैं। इसलिए असम के नौजवान कमर कस कर इस आंदोलन के लिए आये तो हम ने उस को राष्ट्र की एक आवाज समझ कर उस का समर्थन किया। उस आंदोलन में कुछ प्रवृत्तियां ऐसी भी थी जिन को पूरी तरह स्वस्थ नहीं कहा जा सकता, लेकिन कुल मिला कर नौजवानों की लड़ाई कुर्सी के लिए नहीं थी। वह तो राजनीति में बाद में आये लेकिन वे लड़ रहे थे असम की अस्मिता के लिए और भारत की सुरक्षा और अखंडता के लिए। जब प्रधान मंत्री श्री राजीव गांधी ने उन नौजवानों के साथ समझौता किया तो हमें प्रसन्नता हुई थी। लेकिन उस असम समझौते का कहीं पर सरकार ईमानदारी से पालन नहीं कर रही है। इस विधेयक को देर से लाना इस बात का सबूत है। मैं अपने मित्र श्री उपेन्द्र से सहमत हूं कि अगर भारत के भीतर कोई इंफिल्ट्रेटर आ जाय और भारत में प्रवेश कर जाय तो उस को पकड़ने की, उस के खिलाफ कार्यवाही करने की जिम्मेदारी किस की है। क्या यह जिम्मेदारी शासन की नहीं है? या यह जिम्मेदारी दूसरे नागरिकों की है? तो क्या यह समझना चाहिए कि शासन ने अपने हथियार डाल दिये? अपना दायित्व खो दिया? 1983 के विधेयक में, कानून में यह संशोधन होना चाहिए। जो व्यक्ति आया हो और जिस पर शक हो कि वह अवैध रूप से आया है वह सिद्ध करे कि वह अवैध रूप से नहीं आया और असम में पहले से रहता है। और एक बात स्पष्ट है कि जो पहले से रहता है वह छेड़ा नहीं जाना चाहिए। उन्हें

[श्री अटल बिहारी वाजपेयी]

छुआ नहीं जाना चाहिए और अगर असम सरकार इस बात का प्रबंध नहीं कर सकती तो संसद् है, केन्द्रीय सरकार है। लेकिन इसलिए सारी प्रक्रिया रोक दी जाय कि समझौता जो हुआ है उसे बट्टेखाते में डाल दिया जाये यह क्या है। आखिर जो लोग आये है उन्हें पहचानने का काम कौन करेगा? और मैं इधर स्पष्ट कर दूं कि अगर बंगला देश से रोजी और रोटी की तलाश में गरीबी के मारे लोग आते हैं तो उन्हें असम में देश के किसी भी भाग में रोजगार करने का अधिकार होना चाहिए। है अधिकार लेकिन वह वोटर क्यों बनते हैं और वोटर बनने के आधार पर नागरिक बन जाते हैं। फिर वह शासन में भागीदार बनते हैं। इस बात को तो हम उन्हें छूट नहीं दे सकते और इस लिए अगर ऐसा कोई व्यक्ति पकड़ा जाता है या प्रकाश में आता है तो उसे साबित करना चाहिए कि मैं यहां बरसों से रहता हूं। मैं भारत का नागरिक हूं। मगर जिम्मेदारी डाल दी गई है दूसरे नागरिक के ऊपर। तुम शिकायत करो और बड़ी कृपा कर के 25 रुपये को घटा कर 10 रुपया कर दिया गया है। वह अगर विदेशी नागरिक को पकड़ रहा है तो देश के ऊपर अहसान कर रहा है। देश के हित में वह कर रहा है शिकायत और शर्त यह कि शिकायत भी करो और दस रुपया भी दो। क्या यह मजाक नहीं है? लेकिन इस तरह का संशोधन आया लेकिन मैं इन संशोधनों का समर्थन कर रहा हूं और मैं जानता हूं कि असम समझौते का जो कानून बना है उस पर तत्काल व्यवहार होना चाहिए और इसीलिए हम लोगों ने मान लिया, यद्यपि लोक सभा में यह काल पास हुआ था। हमें संशोधन देने का मौका भी नहीं मिला। लेकिन देश के हित में और आसाम के हित में यह तय किया गया कि यह विधेयक जल्दी से पास कर दिया जाए जिससे कि अमल में लाने की कार्यवाही हो सके। यह ठीक है कि असम सरकार की जिम्मेदारी है। असम की सरकार को अपने प्रदेश में रहने वाले हर नागरिक के साथ चाहे वे किसी भी मजहब को मानने वाले हों, किसी भी भाषा को बोलने वाले हों, उनके साथ पूरा न्याय करना है लेकिन इनफिल्ट्रेटर्स के साथ कोई नरमी नहीं बरती जा सकती है। इस देश ने अपने कर्तव्य का और इस देश की सरकार ने अपने कर्तव्य का पालन नहीं किया यदि हमने घुसपैठियों के लिए भारत के दरवाजे खोल दिए। यह कैसी सुरक्षा है कि अभी तक बंगला देश के नागरिक देश में प्रवेश करके भारत में रहें, हमारी सीमा पार करके अमृतसर पहुंच जाते है और स्वर्ण मंदिर में पकड़े जाते है। दिल्ली में भी बंगला देश के नागरिक लाखों की संख्या में रह रहे है। यहां वे राशन कार्ड के हकदार ही नहीं, वे वोटर भी बन गए। उनके सिर पर तलवार लटक रही है। इसलिए जिनके हाथ में सत्ता है वह चुनाव में उनके साथ जाएं तो मैं उन अभागे लोगों को दोष नहीं दूंगा।

श्री दीपेन घोष: दिल्ली में वोटर हो गए तो असम में नहीं हो सकते?

श्री अटल बिहारी वाजपेयी: जो हो गए वे गलत तरीके से हो गए। वह रुकना चाहिए।

श्री दीपेन घोष: एक भाई असम में है और दूसरा दिल्ली में नागरिक हो गया।

श्री अटल बिहारी वाजपेयी: हम लोग दिल्ली में मांग कर रहे हैं कि उन्हें वोटिंग राइट से इंकार किया जाए। हमारे स्टैंड में एक रूपता है। उनकी पहचान की जानी चाहिए। अगर उनके नाम वोटर लिस्ट में नहीं हैं तो उन्हें भारत छोड़ने के लिए कहा जाना चाहिए। मगर मुझे नहीं लगता कि जिस गति से पहचान की कार्यवाही चल रही है, 103 लोग दो साल में पहचाने गए है, यह दो दिन चले अढ़ाई कोस वाली बात है। फिर भी हंगामे मचाये जा रहे है। अगर बंगला देश इस्लामी राज्य घोषित किया गया, जैसा कि जनरल इर्शाद ने ऐलान किया है, तो बंगला देश में रहने वाले अल्पसंख्यकों पर असर होगा और फिर भारत की ओर उनका बड़ी संख्या में पलायन हो सकता है। मेरा निवेदन यह है कि इस तरह के जो रिफ्यूजी हैं, उनका सवाल अलग रखा जाना चाहिए। उसके बारे में एक राष्ट्रीय नीति का निर्धारण होना चाहिए

लेकिन हम आसाम पर सारा बोझा डाल दें, उसके खिलाफ वहां फिर आन्दोलन हो. ऐसी परिस्थिति पैदा नहीं होनी देनी चाहिए ।

इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूं।

SHRIMATI BIJOYA CHAKRAVARTY: Although we oppose the Treasury benches generally, yet I stand here to support the Bill that has been brought by the Government before this House.

Foreigners' illegal stay in Assam creates a grave threat not only to Assam, but to the entire country. This massive infiltration in Assam is a sort of silent invasion of the country itself. I also agree with Vajpayee Ji, who spoke just now, that it was done intentionally to destabilise the population pattern of the country. I invite those members who are opposing the Bill to visit Silchar, the district of Shri Kamalendu Bhattacharjee, Cachar, Goalpara, Dhubri, Mangoldai, Lakshimpur and other districts of Assam to see for themselves what happened there.

Although this amending Bill is not broadbased and sufficient enough to cope with the grave problem of the foreign nationals living in Assam, still I appreciate the gesture on the par of the Government and support it.

Just now it has been stated that this Bill should be the last one on this issue, but I would like to assure the hon. Minister and his partymen that the Assam Accord was made not because the people of Assam wanted it, but it was made because it was urgently needed. If we Assamese people, including Shri Kamalendu Bhattacharjee, feel that another legislation is required, we will ask for it and I hope you will also support us.

Secondly, what necessitated the people of Assam to rise in that movement for six long years is the abnormal growth of population caused by large-scale migration from the neighbouring foreign State. During the period from 1961 to 1965, Assam underwent a staggering change in the population pattern. In no other States the number of voters increased so alarmingly as it increased in Assam. I would like to state a few figures to convince the Members. In 1957, the total voters in Assam were 44,93,357. In 1970, it rose upto 57,01,805 and the total increase in 13 years was 13 lakhs. In 1979 the voters rose up to 85,37,497. During these 8 years the rise was 28,35,692. It is not that Assamese women are able to produce babies thrice in a year. It is not possible.

Sir, to convince the Members like Mr. Sukomal Sen, I want to quote from DAVP where the figures pertaining to Assam, West Bengal and Tripura were shown and for each State there has been an increase of 34,12,145 which is over normal biological growth and in no other district of East Pakistan, now Bangladesh, there is an increase of population growth in the age group of 1—14. then, above 60. But there is sufficient decline of population growth in the age group of 15—59, that is, by 5.5 per cent. This document is not my document. It is the Government's document. It shows that wherever there was specific decline of age group of 15 to 59, those people must have migrated to the neighbouring States including Assam West Bengal and Tripura. That is why in East Pakistan, now Bangladesh, there is decline of population of this age group.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): It is not East Pakistan. It is only Bangladesh.

SHRIMATI BIJOYA CHAKRAVARTY: Thank you, Sir. In fact there has been 34 per cent increase in Assam as against 21 per cent increase in All India level. This abnormal growth of population has attracted the attention of the people when voters' list of Mangaldai for by-election in 1979 was prepared. This has shocked the people of

[Smt. Bijoya Chakravarty]

Assam irrespective of creed, caste religion and language. There was 80 per cent increase in the voters list. We tried to convince the Central Governme it regarding this abnormal rise of voters, but we could not. That is why people of Assam resorted to a movement for six long years. In that movement, hundreds of young men were killed. They lost their lives. They were rendered homeless. They lost their home and hearth. But we never gave up our fight. We fought and fought. I myself have been the subject of serious persecution which I do not like to tell here. We must appreciate the Assam Accord. But I warn Mr Rajiv Gandhi, I warn the Government that their commitment made in the House must be fulfilled with true spirit. I want to tell my hon. friend, Mr. Sukomal Sen, that people of Assam are not chauvinist. We do not want that genuine citizens of Assam, that means India, be deported. Non-Assamese from Bihar, Bengal Orissa and Punjab have joined the Assam movement. They courted arrest. They got killed. They were declared as *shaheeds*. All these non-Assamese who were coming from neighbouring States, had to suffer and they suffered willingly with the people of Assam. I must say here that having body here and soul outside the country, none can appreciate what integrity is. And I must say when in 1983 the IMDT Act was passed, 6.00 P.M. Mr. Sukomal Sen's party was here. Why did his party lend support to the Bill? Now Mr. Sukomal Sen says in the House that the Opposition parties must be consulted. During 1983 when this Bill was brought forward, at that time Assam was not represented. No Assamese M. P. was here in this House but without representation of Assam, the IMDT Bill was passed in order to give more trouble to the State of Assam. Sir, there is a section of people who spread malicious propaganda against the AGP Government. Just now, Mr. Upendra quoted the statement of the Chief Minister. The Chief Minister is really sincere and there is no ambiguity in the clauses and it is our duty to implement the Assam Accord. However, taking advantage of the innocence of the people, some communal-minded organisations and leaders have been spreading false propaganda. They are all people of a particular linguistic and religious community and are liable to be deported from Assam. (*Interruptions*).

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Please conclude now. I have already given you nine minutes.

SHRIMATI BIJOYA CHAKRAVARTY: Sir, give me five minutes more. Sir, it is very unfortunate that some of the political parties try to make election capital out of this grave situation caused by foreign nationals in Assam. Their parties must not forget that election winning issues should not endanger national security. One should not think about the election prospect at the expense of the country. I assert with all emphasis at my command that parties that advocate the cause of foreigners with an eye on vote banks are anti-national. The Government of Assam is not harassing any minority community as alleged. Rather the Government of Assam is very careful in detecting and deporting the foreign nationals. Just now, the figures given by Mr. Upendra will justify sufficiently that Assam has taken care and pain so that no minority is harassed.

Sir, the laws for the detection and deportation of foreigners should be uniform. If there is one set of laws for Assam and another set of laws for the rest of the country, then it is something ominous for the country itself. There should be no discrimination in this respect. I hope that Government will see this problem and set things right.

Sir, I am proud enough to state that Assam keeps up a unique tradition of communal harmony. Some of the hon. Members have referred to communal disharmony and their apprehension about the same in Assam. I assure them that during the AGP Government, there is no rioting in Assam. Of course, there were some riots in Assam in 1983 but they were not communal riots. They were clashes bet-

ween pro and anti supporters of elections. But in the history of Assam during the last 40 years after independence, there is no incident of communal disharmony or communal rioting. The people are traditionally peace-loving. Mandir and Masjid stand side by side. The Hindus also celeberate Ramzan with their Muslim brothers and they also take part in the procession of Tazia and the Muslim people also pay respect to the Hindu religion and the Hindu religious festivals and also celebrate the same.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Please conclude now.

SHRIMATI BIJOYA CHAKRAVARTY: Sir, I want to throw a challenge to anyone who can show me a deportation notice served on a *bona fide* citizen of the State. By making an assessment of the cases, hon. Members must be assured how AGP Government is taking extraordinary care and pain to ensure that no citizen is harassed by anybody. If AGP Government is vindictive, the figures given by Mr. Upendra must have been a bit different, out of three lakh cases.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Please conclude now.

SHRIMATI BIJOYA CHAKRAVARTY: I am concluding. Out of three lakh cases, only 21,000 were sent to the Tribunal and only 3854 cases were disposed of by the tribunal. I think this figure will satisfy the curiousity of the Member. With one line, I will conclude. Although we are supporting the amendment, we want that there should be more amendments to cope with the great problem.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): That is all.

SHRIMATI BIJOYA CHAKRAVARTY: the amendment that is brought here reduces the number of Judges from three to two. The area is also enhanced. But the onus of proof, the burden of proof, must not be on the complainant. The second point is this.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI):: I have given you 15 minutes.

SHRIMATI BIJOYA CHAKRAVARTY: My last point is this. I urge upon the Central Government to implement the Assam Accord fully and appeal to the Members also to help the young Assam Government to make Assam a peaceful ground for all citizens of the country. thank you, Sir.

DR. NAGEN SAIKIA: While associating myself with what my colleague said, I want to assure those who have misapprehensions about Assam that not a single minority has been harassed in Assam and not a single Indian citizen will be harassed in Assam by the AGP Government.

SHRI DHARANIDHAR BASUMATARI (Assam) The question of infiltration does not arise for the first ime now. This question has arisen here many times. I know how many people were killed at the time of partition in Pakistan. More than three lakh people had been killed in Pakistan. All those people who had been victimised in Pakistan, all those Pakistani people, are now encouraged to fight against India in the name of terrorists. Shrimati Bijoya Chakravarty knows, Shri Saikia knows, that our tribal area is the only area where infiltrators can come and live. We opopse it when they come. But we do not oppose communally. Now, this AGP is formed out of four parties, AASU, Gana Sangram Parishad, Jatiata Party and the PLC. The aim of the Government is to deport the infiltrators who came after 1971. But the figure that is quoted by Mr. Upendra is quite correct. If there is no infiltrator, illegal immigrant, whom can they deport? Sir, you know, Atal Bihariji knows, I spoke on this subject in the Lok Sabha and it is I who spoke vehemently to deport these illegal immigrants and the Illegal Migrants Bill was passed. Before 1983, 4,15,000 people had been deported prior to this AGP Government. Why does this quesiton of deportation arise? You want to live in peace. At the same time they have not harassed genuine people. It is true. But why this apprehension in the mind of our Bhattacharya? Lin-

[Shri Dharamidhar Basumatari]

guistic minorities. I am a linguistic minority. But whether Muslims or Bengalis or Assamese they are all one and the same. We do not bother. We want to live peacefully with all the people. Therefore, we do not want to do it. But when our rights are disturbed, then we come out our with bow and arrow I may tell Mr. Saikia, they wanted to evict the tribals. When the tribals were evicted, all the tribals came to Guwahati and sat at Guwahati and attacked their capital. So I must say there is a State where there is no feeling of communalism there is no communal feeling. Rather if you talk in terms of majority, all the tribals constitute a single majority, including the tribals of hills. They are about 50 lakhs. Therefore, the more you raise this question of deportation, the more you raise the question of Bengali-speaking this suspicion will persist. Now this Government there is formed only because of deportation. Now the Bill has come. Why did they sign the Accord? When this Bill is brought now, there is a bundh against it. There is a bundh in the refinery. There is a bundh at so many places against the Central Government. This AGP Government is a habitual of calling bundhs. (*interruption*) we could not file our nominations because of the agitation. They go on indulging in agitation, agitation, agitaton. When they do agitation every now and then, naturally others also take to agitation. They are losing faith in Parliament. They could not do anything. They have not been able to do anything.

Then there is the question of economic condition of Assam. The economic condition of Assam has deteriorated. The faith of the people of Assam in their Government is nil now. If you go along with me, I ask you Mr. Upendra, to accompany me, I will speak to the people there in their language and you will know it. The days of AGP Government are numbered...

SHRI PARVATHANENI UPENDRA: Why?

SHRI DHARANIDHAR BASUMATARI: I will show you...

SHRI ATAL BIHARI VAJPAYEE: It is elected for five years.

SHRI DHARANIDHAR BASUMATARI: The people of Assam are agitated. Since 1946 the people of Assam have been voting me and sending me to Parliament. I know my people. I know their feelings. I have full faith in all the people there. I ask them not to agitate so much. The more you agitate, the less faith there will be. I will show you, including Mr. Nagen Saikia you all accompany me. Therefore, this sort of calling bundhs, organising agitations against the Central Government, bundh in the refinery, this, that, only leads to deterioration and further deterioration in the economic condition of Assam. They cannot do anything. This is my faith. This is my belief.

I welcome the Bill moved by my friend, Shri Chintamani Panigrahi. He has brought this Bill in time. I wholeheartedly welcome it. You should try to implement it. They cannot deport. The Tribunals alone can do it. Therefore, Sir, I request those people not to agitate, not to launch any agitation and made the conditions deteriorate, make the economic conditions deteriorate further. Assam has non-Assamese people and we welcome all of them. We Assamese, many of us, know non-Assamese languages also. I know Bengali very well and I speak Nepali very well.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): That is all right. Thank you very much.

SHRI DHARANIDHAR BASUMATARI: I speak Assamese which is my mother-tongue. What I want to say is that this sort of chauvinism should not be there. Chauvinism is the root cause for the loss of faith of the people. That is why I appeal to them not to agitate in the name of anything

which will only make the conditions worsen, which will make the conditions deteriorate.

SHRI ATAL BIHARI VAJPAYEE: You do not hesitate to support the Bill?

SHRI DHARANIDHAR BASUMATARI: I support the Bill and I support what you do. Thank you very much. Sir.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Yes, Mr. Virendra Verma.

श्री वीरेन्द्र वर्मा (उत्तर प्रदेश) : माननीय उपसभाध्यक्ष महोदय, राष्ट्रपिता महात्मा गांधी जी की इच्छा के विपरीत दुर्भाग्यवश इस देश का विभाजन धर्म के नाम पर हुआ । राष्ट्रपिता जानते थे कि उसका दृश्य क्या होगा । दृश्य सबके सामने है, सबने देखा है, सबने बरता है । आसाम में जो कुछ हुआ, हो रहा है, उसका एक हिस्सा है और उन्हीं बातों को सोचकर और देखकर राष्ट्रपिता महात्मागांधी जी ने, तत्कालीन प्रधान मंत्री श्री नेहरू जी ने और तत्कालीन गृह मंत्री श्रीयुत सरदार पटेल ने देश की जनता को आश्वासन दिया था कि जो देश के नागरिक होंगे, देश की एकता और अखंडता में आस्था और विश्वास रखेंगे उनके धर्म की उनके व्यवसाय की, उनकी जान और माल की हर प्रकार से रक्षा की जायेगी । रक्षा की भी गयी, की भी जा रही है और की भी जाती रहेगी और करनी भी चाहिए, ऐसा मैं यकीन रखता हूं । लेकिन मान्यवर, इसका अर्थ यह नहीं है कि विदेशी नागरिक अवैध रूप से हिन्दुस्तान में आते रहें । भला हिंदुस्तान का कोई नागरिक पाकिस्तान में जाकर तो बस जाये, काश्मीर में तो बस नहीं सकता और बंगलादेश के अंदर जो विहारी मुसलमान हैं उनको तो पाकिस्तान लेने के लिए तैयार नहीं है, न हिंदुस्तान का कहीं जा सकता है, न संसार का कोई नागरिक दूसरे देश में जाकर इस हिसाब से बस सकता है जिस हिसाब से अवैध रूप से प्रवासी आसाम में जाकर घुसे हैं, बस रहे हैं, कारोबार कर रहे हैं, व्यवसाय कर रहे हैं, खेती कर रहे हैं, जमीनें ले ली हैं, मकान बना लिये हैं और आसाम का गरीब आदमी उनके यहां नौकरी कर रहा है ।

सन् 1962 में तत्कालीन आसाम कांग्रेस कमेटी का एक डाक्यूमेंट, एक प्रस्ताव और भारत सरकार का एक डाक्यूमेंट प्रधान मंत्री श्री जवाहर लाल नेहरू जी के सामने पेश किया गया था । उन्होंने स्वीकार किया कि अभी नहीं, बहुत लम्बे अर्से से आसाम में अवैध रूप से प्रवासी, विदेशी नागरिक घुस रहे हैं और उनको कठोरता और कड़ाई से रोक दिया जाना चाहिए । यह जवाहर लाल नेहरू जी ने सन् 1962 ई. में आश्वासन दिया था ।

मान्यवर, जब यह सब कुछ चलता रहा, तो मजबूर होकर वहां के युवकों को, राजनीतिज्ञों को नहीं, बल्कि वहां के युवकों को जो पढ़ते थे, अपने प्रदेश की स्थिति, परिस्थिति, आर्थिक स्थिति को ध्यान में रखते हुए एक संघर्ष करना पड़ा । संघर्ष उनका जारी था, सन् 1983 ई. में चुनाव करवा दिया गया । युवकों के जबरदस्त, संघर्ष ने उसका बायकाट किया । शायद, हजार, दो हजार, या पांच-सात हजार वोटों पर असेम्बली भी बन गई । जितने एम.एल.ए. चुने गये, प्रायः सभी की जमानतें जब्त हुई । 37–37, 45–45 और 141–141 वोट से चुने गये एम.एल.ए., गवर्नमेंट और मिनिस्टर भी बने रहे । आखिर संघर्ष चलता रहा ।

असमी युवक मांगता था कि सन् 1961 की जन-संख्या या वोटर्स लिस्ट को आधार मान लिया जाए । तत्कालीन प्रधान मंत्री, श्रीमती इंदिरा गांधी जी कहती थीं कि सन् 1971 की जन-संख्या या वोटर्स लिस्ट को आधार माना जाए । श्रीयुत् राजीव गांधी जी ने फैसला करवा कर सन् 1961 ई. की जन-संख्या को अपने समझौते में आधार मान लिया और वह संघर्ष समाप्त हुआ । उसी में यह भी एक है कि सन् 1966 और 1971

(श्री बीरेन्द्र वर्मा)

में जो नागरिक वहां पर रह रहे हैं, उनको वोट का अधिकार नहीं होगा, लेकिन यह देखा जाएगा कि इनमें से सही नागरिक कौन हैं, उनकी जांच की जाएगी । साढ़े तीन लाख नागरिकों के इस प्रकार से नाम निकले, शिकायतें हुई, मामला ट्रिब्यूनल के सामने गया, 21 हजार केसेज़ ट्रिब्यूनल के सामने गये और ट्रिब्यूनल ने फैसला दिया 3854 केसेज में ।

मान्यवर, वह जो आज यहां पर बोल रहे थे, उनसे बड़े अदब के साथ जानना चाहता हूं–मैं मुजफ्फरनगर जिला का रहने वाला हूं–मेरठ में पांच महीने तक लगातार हिंदू और मुस्लिम झगड़े की आग लगी रही, जरा कृपा करके आप या कोई भी मुझे यह बताये कि जबसे असम में मौजूदा सरकार ए.जी.पी. की बनी है, एक भी वहां पर सांप्रदायिक झगड़ा हुआ है, और बोलने वाले यह बतायें कि किस प्रकार वहां पर माइनार्टी को परेशान और दुखी किया हुआ है ?

अगर माइनार्टी को, जो वैध रूप से वहां पर रह रही है, दुखी किया जाता है, तो हम किसी से पीछे नहीं रहेंगे, उस माइनार्टी के लिए आवाज उठाने वाले सब से आगे आदमी होंगे । लेकिन अगर अवैध रूप से वहां पर जाकर बसने लगे, तो वह हमारा सीमा का प्रदेश है, एक तरफ चीन से मिला हुआ है, एक तरफ बर्मा से मिला हुआ है और एक तरफ बंगला देश से मिला हुआ है। तो अगर अवैध नागरिको को वहां पर आने की सुविधा होगी, तो इतना बड़ा खतरा भी हो सकता है और जन-संख्या के आंकड़े तो श्री उपेन्द्र जी ने भी दिए, शायद पीछे बहिन जी भी दे रही थीं कि देश की आबादी बढ़ती है साढ़े इक्कीस प्रतिशत और असम की आबादी बढ़ती है पैंतीस प्रतिशत ।

तो इससे हमें आंख बंद नहीं करनी चाहिए । देश हमारा सब से बड़ा है, देश का हित हमारा सब से बड़ा है और सेक्यूलरिज्म में हमारा सौ फीसदी विश्वास है, लेकिन देश की कीमत पर नहीं, देश को सेबोटाज करें इसलिए नहीं, चाईना बाहर से आकर सहायता करे, इसके लिए नहीं ।

हमारा आपके द्वारा मान्यवर यह नम्र निवेदन है कि जो इन्होंने बिल पेश किया है माननीय मंत्री जी ने ईमानदारी से––बहुत सही तो बिल हमें नहीं लगता ––हम भी कुछ सुझाव उसमें दे सकते थे लेकिन जो भी आपने बिल पेश किया है देश की सुरक्षा की दृष्टि से शांति और व्यवस्था की दृष्टि से, सांप्रदायिक एकता की दृष्टि से हम उसका समर्थन करते हैं इस आशा के साथ कि अगर वहां के रहने वाले सही अल्पसंख्याकों के साथ किसी भी प्रकार की और वही नहीं देश के किसी भी स्थान में अगर अल्प-संख्यकों के साथ ज्यादती की जाए तो सरकार के नाम पर यह बदनामी है, जैसा कि हम उत्तर प्रदेश की सरकार के नाम पर बदनामी समझते है जो कि मेरठ में पांच महीने तक लगातार हिन्दुओं और मुसलमानो में झगड़े चलते रहे, उसे कड़ाई से रोका जाए ।

इन शब्दों के साथ आपने जो बिल पेश किया है उसका मैं समर्थन करता हूं । धन्यवाद ।

SARDAR JAGJIT SINGH AURORA (Punjab): Mr. Vice-Chairman, Sir, I rise to support the Bill, I can very well appreciate the sentiments of the people of Assam as I had good fortune of being associated with Assam from 1961 till about 1976. There is no doubt that when Assam, which had been a land of mystery for a number of years, was opened up by the British, from then onwards there has been a constant migration of non-Assamese into Assam. After its creation in 1947, the migration from outside increased. When I first went there in 1961-62, it is within my knowledge that the number of people who were brought in from across the border, from East Pakistan then and Bangladesh now, deliberately in order to create vote banks, was very significant. A time had arrived when one could see that the Assamese were going to be outnumbered by people from outside and their culture and their language were being endangered. At the same time, with the increasing population in Assam, the question of upemployment of the educated Assamese became

very vital. The young people naturally rebelled when they found that within their own State it was becoming extremely difficult for them to find jobs which were practically dominated by people from outside. So, understanding this, I think one has to appreciate why they launched that prolonged agitation. It is a pity that that agitation was permitted to be prolonged for such a long time that the feelings of the Assamese at one time had started turning against the country itself. I am aware of that. But eventually this Accord was signed and we all heaved a sigh of relief. But this Accord did leave a very big loophole for identifying the foreigners. The 1983 Act did not turn out to be a practical step and I am very happy to see that the amendment that has now been suggested will make it very practical. I still would like to support what Shri Vajpayee Ji said earlier that it is primarily the responsibility of the Government of India to see that these steps are effectively put into practice.

While saying this, would also like to appeal to the Government of Assam and the Assamese that they should ensure that the innocent people who have established themselves in Assam over a number of years and who have contributed a great deal towards the well-being and the progress of Assam are not, in any way, harmed. It is true that the Government has, through statements and otherwise, tried to assure the minorities who are living in Assam that no harm will come to them. But it is also true that there are certain chauvinistic Assamese elements who have adopted an attitude which does frighten the minorities. So, it is necessary that agitation by the Assamese trying to get rid of the genuine foreigners is not extended to people who have made Assam their home and who have contributed so much towards its well-being.

After saying this, I would again like to say that I fully support this Bill and I hope it will bring an era of peace and prosperity to the State.

Thank you.

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): Mr. Vice-Chairman, Sir, I have gone through the Statement of Objects and Reasons of this Bill. It says:

> "The Illegal Migrants (Determination by Tribunals) Act, 1983 provides for the establishment of Tribunals for the determination, in a fair manner, of the question whether a person is an illegal migrant so as to enable the Central Government to expel illegal migrants from India."

This is the Statement of Objects and Reasons of this Bill. I have read the Constitution of India and I find from the Constitution of India that the citizenship rights are governed by articles 5, 6, 7, 8, 9, 10 and 11. And out of these articles, Mr. Vice-Chairman, Sir, article 11 is very relevant, and that says: "Parliament to regulate the right of citizenship by law: Nothing in the foregoing provisions of this Part shall derogate from the power of Parliament to make any provision with respect to the acquisition and termination of citizenship and all other matters relating to citizenship."

So, for all intents and purposes, this is a Central responsibility to find out whether there have been illegal migrants or not. But, Sir, while this is a fact which has been taken into consideration, the administration of the provisions of this Citizenship Act have been given to the State authorities. I have nothing against the AGP Government or the Assam Government. They have been returned to power by an overwhelming vote and they need to govern their State. But within the orbits of the Constitution, I find that it is the Central authority which has to exercise the right to see whether there are illegal migrants or not. And here I find that it is the Assamese police, it is the Assamese people who have been given the sole authority. Even a Superintendent of Police can summon anybody and do anything he wants. To my mind, in effect, it will be a police raj for the intimidation and harassment of minorities. I have heard General Aurora who says that the Assamese Government should see to it that the minorities are not harassed. But I find in this Act that

[Shri Ghulam Rasool Matto]

there are provisions for mischief and the Assamese police, and the Assamese citizens can just go to any extent. Mr. Vice-Chairman, Sir, you see how it has been made easier for the people to intimidate and harass the minorities. A fee of Rs. 25 has been prescribed in the original Act and this has been brought down to Rs. 10. The jurisdiction has been extended beyond the thana limits. And then, most of all, the SP has been made the sole arbiter with regard to these things. I think, this is a very bad thing and this should be opposed tooth and nail.

Now with regard to the Act itself, still I find small hope if the hon. Minister gives me an assurance with regard to article 28. And that is with regard to the power to make rules. If the hon. Minister gives me this assurance that they have the powers to over-rule the Assamese Government or the Assamese chauvanistic elements, as Genl. Aurora said, will not intimidate, then alone I may get an assurance that the minorities in Assam will not be intimidated. But with the present Bill as it is, I have no alternative but to oppose it. Though I am an ally of the Congress, I have no alternative but to oppose this Bill tooth and nail.

SHRI CHINTAMANI PANIGRAHI: Sir, I am extremely greatful to all the hon. Members who have participated in the debate patricularly to those who have given their powerful support to such a good Bill. I express my gratitude to all the hon. Members. Some of the hon. Members have asked whether we go by our national commitments. Mr. Vajpayeeji has referred to this querry by other hon. Members and I can simply add my voice to that that we go by the national commitments of what Mahatmaji had said and what Pandit Nehru had said. Sir, national commitment, in the sense that when the partition took place those who were suffering in those places, they came back to India and what we have done is to see that they are resettled in all parts of India and in Orissa about one to two lakh families have been settled. We have shared all the....

SHRI DIPEN GHOSH: Your best is not good enough.

SHRI CHINTAMANI PANIGRAHI: Sir, if you refer to clause 4 of the Assam Accord, it says, and I quote: "Keeping all the aspects of the problem, including constitutional and legal provisions, international agreements, national commitments and humanitarian considerations, it has been decided to proceed as follows." Therefore, this is the basis on which we have gone for Assam accord. I will now read clause 5.3: Foreigners who came to Assam after 1st January, 1966, inclusive and up to 24th March, 1971, shall be detected in accordance with the provisions of the Foreigners Act, 1951, and the Foreigners Tribunals Order 1964. Therefore, it is not for those who came after 1947. It is only for those who came in the post-1971 period.

Sir, what was the condition from 1947 to 1970 and what was the condition after the people from Bangladesh have come in? That is a different story. Therefore we always abide by the national commitments. Only new situation came up after 1971. Therefore we have done this thing. In 5.8 we have said: Foreigners who came to Assam on or after March 25, 1971, shall continue to be detected, not before 1971, deleted and expelled in accordance with the law and immediate and practical steps shall be taken to expel such foreigners. That was the agreement. Now, Sir, we have taken these immediate and practical steps. (*Interruptions*).

SHRI KAMALENDU BHATTACHARJEE: You are going to deport them. But have you started any dialogue with the Government of Bangladesh?

SHRI CHINTAMANI PANIGRAHI: I am coming to your point. Therefore 5.9 agreement. The Government will give due consideration to certain difficulties expressed. That was the Agreement part. I am reading, by AASU and AGSP, it was then the Assam Gana Sangaram Parishad, regarding the implementation of the Illegal Migrants Determination by

Tribunal Act, 1983. Now, these are the difficulties that have to be looked into, which were pointed out by the hon. Members. And some hon. Members have pointed out why you took two years for all these things. Sir, in this connection, two lines from a great American writer, Robert Frost, come to my mind: Two ways lead to the woods and I took to the road less travelled by and that makes all the difference. Sir, there are countries in the world, who have accepted parliamentary system of democracy but do not have the objective of achieving socialism, and there are countries in the world which have the objective of achieving socialism but not through the system of parliamentary democracy. What we have done is that we have taken to the road which is less traveled by *i.e.* we have decided to achieve socialism through the system of Parliamentary Democracy and that is making all the differences. Therefore, it took two years to carry dialogue with the Assam Government and with various organisations. Memorandas after memoranda were submitted. Therefore, all sections of people came with their memoranda; the Chief Minister of Assam, their Law Minister, their high-ranking officers, all came and discussions went on for two years.

SHRI PARVATHANENI UPENDRA: How do you say this is the Government that works, if this simple Bill takes two years.

SHRI CHINTAMANI PANIGRAHI: This is the system which you are also praising. There is no other system except the system of Parliamentary Democracy which has come to stay in this country. And the essence of democracy is to decide through dialogue and thereby to arrive at a consensus. Some friends asked whether AASU is now under the control of AGP or the AGP is coming under the control of AASU. We are only concerned with the present Bill. Government of Assam and AASU have also represented from time to time that this practical difficulty has to be overcome. Therefore, after a consensus we have come to this. Question was asked as to why strength of the tribunal was reduced. May I submit that the AGP Government itself wanted to have one-man tribunal but it was objected to by all sections of people in Assam. We said there should be three-man tribunal and then a consensus was arrived at and two-man tribunal was agreed, and one member will be from Assam and one from outside. The idea was to keep a balance so that there is no intimidation, as friends were alleging about intimidation and harassment. But for the three-man tribunals, we did have some difficulty. We were not able to find the required number of judges. We could find only 16 or 17 judges who were willing to serve on those tribunals. We, therefore, decided on two-man tribunals with one judge from Assam and one from outside Assam. There were about 20 tribunals but because judges were not available, the number was reduced to four. Even the judges we sent were later not willing to stay and we requested the AGP Government to create conditions for the judges to go and stay and serve on these tribunals and help in detecting illegal migrants. Now, the present position is, they have assured us that they have increased the number of tribunals from 4 to 18 at the rate of one tribunal in each district, and if there is any difference of opinion ,the tribunal can have a third judge. Similarly, for the appeal, the case will be heard by two-member tribunal and in case of difference, it will be resolved in the High Court by referring the matter to a third judge. That also has been accommodated.

About 3 Km distance from the police station area, it was asked as to why we should have this 3-Km area restriction, and they wanted us to extend it either to the district or to the police-station. We find in the present Act, under section 8(1) and 8(2), enquiry has to be made by the police officer belonging to that police station. That is the present Act. So we have kept the provision in the Act as it is; we have not amended it. Under section 8(1) Government can make a reference *suo motu* to the tribunal, and under section 8(2), a person can apply to the tribunal against any person described as illegal migrant.

Mr. Matto raised the question of the rank of the police officer. Superintendent

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of Police is an IPS officer. During my visits to different States...

SHRI GHULAM RASOOL MATTO: It is not essential. What is given here is: "Any police officer not below the rank of a Superintendent of Police..."

SHRI CHINTAMANI PANIGRAHI: You read the term 'prescribed authority'. It means 'Superintendent of Police'. This has been defined in the Act. I have travelled throughout the country. I have visited many areas, many districts. The Superintendents of Police are mostly IPS officers. They are governed by the All-India Civil Service Conduct Rules. If any IPS officer misbehaves in any manner, as some of our friends are suggesting, I think, the All-India Civil Service Conduct Rules will take care of such cases. In my knowledge, in my experience, I have seen that such cases have been taken care of. We have taken care of such IPS officers who play truant with the people, the minorities, tribals and other weaker sections of the people. In fact, whenever there are any complaints of harassment against the tribals and minorities, we immediately ask the State Government to see that they are not harassed.

Mr. Upendra read out the figures. I would like to give the present position. Number of enquiries initiated—1,17,472; number of cases referred to tribunals—9,321; number of cases disposed of—594; number of persons declared illegal—639 and number of persons deported—140.

SHRI VIRENDRA VERMA: Very nice progress.

SHRI CHINTAMANI PANIGRAHI: Now, about the disposal of cases under the Foreigners' Act, 1946 in relation to the 1966-71 category of entrants. Number of enquiries initiated—3,85,103; number of cases referred to the foreigners' tribunals—21,501; number of persons declared foreigners in relation to the period 1966-71—only 3,854. (*Interruptions*).

SHRI GHULAM RASOOL MATTO: Let us hope that this pattern is maintained. (*Interruptions*)

SHRI CHINTAMANI PANIGRAHI: As I have been submitting, we have taken care. The State Government has committed that the minorities, the tribals, the Scheduled Castes and other depressed people will not be harassed in any manner. We will do our best to see that..,

श्री वीरेन्द्र वर्मा : फारनर्स को वहां से बाहर निकाले जाने चाहिए और वहां की जो माइनारिटीज हैं, वे हेरेस न हों ।

SHRI GHULAM RASOOL MATTO: That is in the Act itself.

SHRI CHINTAMANI PANIGRAHI: We are committed to see that these people are not harassed. During the last two-three years, whenever any case came to our notice, we immediately referred it to the State Government. We are monitoring the complaints wherever there are instances of harassment. Many evictions took place. The tribals represented to us. The State Government has committed to us, they have given us an assurance, that there will not be any eviction of tribals unless alternative lands are given to them. Eviction has been stopped in many cases. This has come to our notice.

Sir, I do not want to go into the question of birth-rate and all that referred to by Mr. Upendra, as they are sensitive issues.

Another question which has been raised by some hon. Members is the question of migration from areas now constituting Bangladesh into the Eastern and North-Eastern States for a long time. This has been well-recognised. It is a fact. Vajpayeeji pointed this out. Sir, various steps have been taken to check infiltration. From 1964 to 1983, about 3.84 lakh foreigners were detected in Assam and most of them were pushed out. Therefore, this is not a thing which we have started only now. This is a process which has been in operation. Now, we want to expedite it. Whatever practical difficulties are there, they will be overcome. This is what we are trying to do.

About the question of fencing and border roads; at the request of the State Government, construction of roads and fence in the Assam section of the border has been entrusted to the State PWD. The Central Government have been providing funds requested for by the State PWD. Recently, at the request of the Chief Minister, sanction was given to purchase road rollers. However, in the year 1987-88 the State PWD has been able to spend only Rs. 2.62 crores out of the grant of Rs. 3.84 crores that we have given. This is because, most of the time is spent in agitations.

SHRI PARVATHANENI UPENDRA: This was because you gave it very late. (*Interruptions*).

SHRI CHINTAMANI PANIGRAHI: They could not utilize Rs. 1.22 crores. In the coming year 1988-89 we have proposed to provide Rs. 14 crores as requested by the Assam PWD. We are hopeful that the Assam PWD will spend the money that we are going to give them. Now, a word about the agreement which was arrived at between the AASU and AGP and our Prime Minister. At the highest level the discussion took place. Whatever difficulties were there, we have looked into them and I can assure that almost all the aspects of the agreement are being covered. We are fully committed to carry out the agreement. Here two parties are involved. In that agreement it was written that there should be no agitation at all. But, Sir, during the last two years perhaps the agitations are more frequent than undertaking any constructive activities in the State. That was one of the points of the agreement.

I can appreciate the sentiments of Kamalendu babu. I can tell him that almost all aspects of the Assam accord have been taken into consideration. In the last two years frequent discussions have taken place. After this amending Bill is passed, there will be no need for the Government to come for any more amendments. Shri Kamalendu Babu wanted us to give a commitment that there will be no harassment to the minorities. How do I commit? Should I say that I commit two hundred per cent, that the Government stands committed two hundred per cent to see that no harassment is made to the minorities or to those belonging to different religions or linguistic groups. To that we stand committed. If there is any case of harassment, you send the names. We will write to them that such and such persons, who are genuine citizens of India, are being harassed. We will take into consideration all the aspects as suggested by the hon. Member.

You have given your powerful support to the Bill, and I hope and pray that the people of Assam and the AGP Government will sincerely try to implement this accord so that the national objective of checking the infiltrators is achieved. It is a national objective, as Shri Upendraji, Shri Vajpayeeji and others have said. We want to have no imbalance in the population of the border State. Every foreign country has a policy in regard to the population in the border areas.

I now commend that this Bill be passed.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): The question is:

"That the Bill to amend the Illegal Migrants (Determination by Tribunals) Act, 1983, as passed by the Lok Sabha, be taken into consideration."

The House divided.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI):

Ayes . . 55

Noes . . 12

AYES—55

Anand Sharma, Shri

Bhajan Lal, Shri

Bhandare, Shri Murlidhar Chandrakant

Bhardwaj, Shri Hansraj

Bhatt, Shri Jitendrabhai Labhshanker

Bhattacharjee, Shri Kamalendu
Bhim Raj, Shri
Chakravarty, Shrimati Bijoya
Deshmukh, Shri Shankarrao Narayanrao
Dhusiya, Shri Sohan Lal
Faguni Ram, Dr.
Fotedar, Shri Makhan Lal
Jadhav, Shri Vithalrao Madhavrao
Jamuda, Shri Durga Prasad
Kakodkar, Shri Purushottam
Kalmadi, Shri Suresh
Khaparde, Miss Saroj
Khatun Kumari Sayeeda
Kidwai, Dr. Mohd. Hashim
Kushnoor, Shri Veershetty Moglappa
Lakshmanna, Prof. C.
Mahto, Shri Bandhu
Majhi, Shri Prithibi
Malaviya, Shri Radhakishan
Mathur, Shri Bhagatram
Mehta, Shri Chimanbhai
Mirza Irsadbaig, Shri
Mishra, Shri Sheo Kumar
Mohapatra, Shri Basudeb
Naik, Shri G. Swamy
Pahadia, Shrimati Shanti
Rafique Alam, Shri
Rai, Shri Kalpnath
Rao, Prof. B. Ramachandra
Ratan Kumari, Shrimati
Reddy, Shri B. Satyanarayan
Reddy, Dr. G. Vijaya Mohan
Reddy, Shri T. Chandrasekhar
Rohatgi, Shrimati Sushila
Roshal Lal, Shri
Sahu, Shri Rajni Ranjan
Sahu, Shri Santosh Kumar
Saikia, Dr. Nagen
Sharma, Shri Chandan
Shiv Shanker, Shri P.
Silvera, Dr. C.
Singh, Dr. Rudra Pratap
Sukul, Shri P. N.
Thakur Jagatpal Singh
Tiwari, Shri Narayan Datt
Tripathi, Shri Chandrika Prasad
Upendra, Shri Parvathaneni
Vajpayee, Shri Atal Bihari
Verma, Shri Virendra
Vikal, Shri Ram Chandra

NOES—12

Baby, Shri M. A.
Basu Ray, Shri Sunil
Bhattacharjee, Shri Nepaldev
Chatterjee, Shri Nirmal
Ghosh, Shri Dipen
Kar, Shri Narayan
Matto, Shri Ghulam Rasool
Mukherjee, Shrimati Kanak
Mukherjee, Shri Samar
Poddar, Dr. R. K.
Quasem, Shri Mostafa Bin
Sen, Shri Sukomal

The motion was adopted.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): We shall now take up clause-by-clause consideration of the Bill.

Clause 2 to 16 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

7.00 P.M.

SHRI CHINTAMANI PANIGRAHI: Sir, I move:

"That the Bill be passed."

The question was proposed.

SHRI DIPEN GHOSH: This is an illegal Bill. This illegal Bill is going to become an illegal Act. We don't want to associate ourselves with passing this

Bill. Therefore, we walk out.

(At this stage some hon. Members left the chamber.)

THE VICE-CHAIRMAN (SHRI AGESH DESAI): The question is:

"That the Bill to passed."

The motion was adopted.

STATEMENTS BY MINISTERS

Import of bus and truck tyres on O.G.I.

THE MINISTER OF STATE IN THE DEPARTMENT OF INDUSTRIAL DEVELOPMENT IN THE MINISTRY OF INDUSTRY (SHRI M. ARUNACHALAM): Sir, I rise to make a statement on the decision taken by the Government with regard to import of bus and truck tyres.

There has been a persistent increase in the prices of truck and bus tyres over the last three years. Despite the increase in the production of bus and truck tyres, the market prices of the tyres have shown a rising trend.

The rising trend in the prices of bus and truck tyres has also been the subject matter of many Parliament Questions and Members have voiced their concern over it. The Government have also stated that the import of tyres will be considered if the need arises.

Having reviewed the situation carefully, Government have taken the following decisions:—

(i) The following categories of consumers will be allowed to import bus and truck tyres on OGL:—

(a) Original Equipment Manufacturers

(b) State Road Transport Undertakings

(c) Association of State Road Transport undertakings

(d) Recognised State Level Associations of bus and truck operators as may be approved by the Department of Industrial Development.

(e) Agencies of State Governments' as may be approved by the Department of Industrial Development.

(ii) The bus and truck tyres allowed for import on OGL will be the following categories:—

1000x20—16 PR
1000x20—14 PR
900x20—16 PR
900x20—14 PR
900x20—12 PR

Nylon tyres in ribbed, lug and semi-lug varieties.

(iii) The total import duty on such tyres will be 100 per cent (excluding the 5 per cent drought surcharge). In addition there will be the applicable countervailing duty.

Simultaneously, Government will be encouraging maximisation of production by tyre manufacturers. It is hoped that these measures will stimulated competition in the market and thereby benefit the consumers and the industry.

IIS scheme for maximisation of Industrial production during Seventh Plan period

SHRI M. ARUNACHALAM: Sir, I rise to make a statement on the decision of the Government to introduce a scheme for maximisation of industrial production during the 7th Plan period.

In order to encourage industrial units to maximise their production, Government have from time to time been allowing re-endorsement of licensed capacities on the basis of the capacity utilisation or modernisation achieved by them. The latest of such re-endorsement schemes are contained in the Press Notes No. 1 & 2 of January, 1986. While these schemes take cognisance of the production achieved by an industrial undertaking in the past, it is considered desirable to introduce a scheme that would give advance